

COPY

Michael E. Yost

v.

Raphael Williams

Warden H.R.Y.C.I

Civil Action NO. 07-838-

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 DEC 21 PM 1:49

Petition For Writ of Habeas Corpus

Michael E Yost Herewith request that this Honorable court issue a Writ of Habeas Corpus to Raphael Williams Warden of H.R.Y.C.I to test the validity of his continued incarceration. Herewith Michael Yost asserts the Following as Facts and ground supporting my cause

Jurisdiction

The Federal court has Jurisdiction to issue Writ of Habeas Corpus pursuant to 10 Del.C 55 6902

Michael Yost is currently incarcerated at the H.R.Y.C.I 1301 East 12th street Wilmington Delaware 19809

Raphael Williams is Warden and custodian of the Petitioners detention

State of Facts

- Oct 2006 to Feb. 2nd 2007 I was detain at level 5 until accept a plea. 3 years suspended For 6 month level 4 Homeconfinement Hold at level 3 For level 4 For Burglary 3rd. by Judge Mary Johnston.
- Feb 3rd 2007 Release From level 5 to level 3 awaiting level 4 Homeconfinement, Probation Officer John Mayer.
- March 12th 2007 Violated Homeconfinement, Missed appointment. New Charge: Theft Motor V. case IN07032019
- March 22nd 2007 Sentence Violation of Probation. 3 years suspended For 90 days level 5 For 6 month level 4 Homeconfinement hold at level 5 For level 4. By Judge Mary Johnston
- June 4th 2007 I max out level 5 90 days
- June 4th 2007 Release to Homeconfinement, Plummer Center John Mayer Probation Office
- June 21st Was return to level 5 For a Capias For case IN07032019 Motor theft Failure to appear.
- Which was original pending charge From Violation
- Never Violated level 4 by Court or Probation Served sentence in community June 4 till 21st of June still serving as of Now.

Sentence 8-16-07 By Jan Jurdens For pending case of Motor Theft IN07032019 2 year suspended For 6 month level 5 For 12 month level 3.

Release Dec 8th 2007

Department of correction Reimposed case VN060908731-1
Hold at level 5 For level 4 Home Confinement

I was already serving this sentence VN060908731
when brought into custody Never violated
D.O.C Refuses to contact court, or probation and parole
to seek relief of this matter.

reimposing a sentence which I already started and
never completed is not within ^{D.O.C} Jurisdiction
proceeding. Without a New and Correct
sentence order By A Judge.

Department of correction H.R.Y.C.I Has no rights to
start this sentence over, or to hold me at
level 5 For this sentence with out Judges order
New and correct VN060908731-01

Being I started serving this sentence in the community
and then brought back ^{in custody}, should have warrant
Modified, or a violation of probation, or credit
time.

Double Jeopardy

U.S. Constitution Fifth Amendment

Nor should any person be subject for same offense to be twice put in jeopardy of life, liberty without due process.

Delaware constitution Art. 1 § 8

state vs. Norris 45 Del. 333 73 A:2d 790
ct Gen Sess 1950)

Vincent v. state 256 A:2d 268 (Del. Sup ct 1969)

The state is solely against multiple prosecution of same offense arising out of the criminal act.

Statement of claim

A writ of Habeas Corpus is extraordinary remedy issuable by trial court to inquire into legality of person detain or under restraint of their liberty IN Interest of Stevens 652 A2d 18, 1995 purpose of writ of Habeas corpus is to benefit prisoners and writ is designed to accomplish speedy inquiry into allegedly unlawful detention through summary judicial proceeding Del c. ss 6901

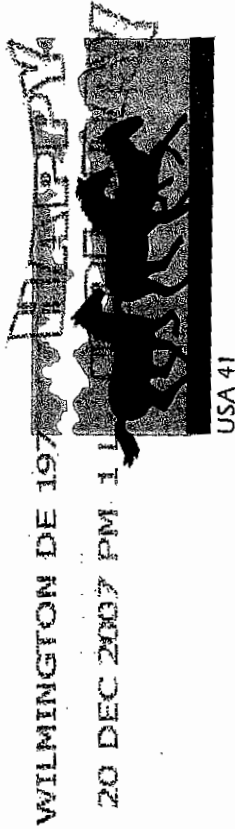
My detention is illegal because I already served the sentence ; Now D.O.C. Reimposed this same sentence. which VN060908731-01. was consider incomplete apond arrival at level 5 June 21st 2007

Relief Sought That this writ be issued upon the Warden of H.R.Y.C.I. Requiring him to produce the body of the defendant petitioner before a Judge of Federal Court Newcastle County together with the alleged grounds and cause of this detention so that the constitutionality and legality of His confinement and detention may be inquired into respect to law of the state of Delaware and such other rights guaranteed by the constitution of Delaware and united states upon Deficiency defect prays for his immediate release from custody.

Respectfully *Michael Yost*
SBI 323984
H.R.Y.C.I.

Date: 12-20-07

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